IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

OP.No. 11877 of 2003(L)

PETITIONER:

JOY PAUL, PEON, ST. GEORGE HIGH
SCHOOL, VELAMCODE P.O., KODANCHERY VIA.,
KOZHIKODE DISTRICT.

BY ADV. SRI.M.VIJAYAKUMAR
SMT.K.A.SANJEETHA

RESPONDENTS:
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1. MANAGER, BETHANY SISTERS CORPORATE
EDUCATIONAL AGENCY, SULTHAN BATTERY.

2. DISTRICT EDUCATIONAL OFFICER,
KOZHIKODE.

BY ADV. SMT.T.D.RAJALAKSHMI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.No.20377/2003 in O.P.No.11877/2003

DISMISSED.

17-1-2007 SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1. TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.A.NO.107/97 DATED 10-1-2002

EXT.P2. TRUE COPY OF THE ORDER IN CCC 493/02 DT. 22-1-2003

EXT.P3. TRUE COPY OF THE COMMUNICATION

EXT.P4. TRUE COPY OF THE REPRESENTATION TO THE MANAGER DTD. 13-2-2003

EXT.P5. TRUE COPY OF THE COMMUNICATION ISSUED BY THE MANAGER TO THE PETITIONER.

/ TURE COPY /

KURIAN JOSEPH, J.

O.P.No. 11877 of 2003

Dated this the 17th day of January, 2007

JUDGMENT

The challenge is on Exts.P3 and P5 steps taken by the first respondent proposing to take disciplinary action against the petitioner for the alleged unauthorised absence during 1991. One of the main contentions taken by the petitioner is that there is absolutely no justification in taking disciplinary action in respect of leave availed by the petitioner during 1991. There is also a contention regarding the procedural violation. There is an interim order in C.M.P. No.20377/2003 ever since 7-4-2003. There is no counter affidavit. The writ petition is hence disposed of in terms of the interim order since I find force in the contentions taken by the petitioner.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.11877/2003

JUDGMENT

17th January, 2007